

MEMO ENDORSED

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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Attorney General

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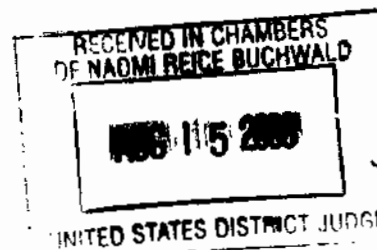
JUNE DUFFY
Assistant Attorney General in Charge
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[212-416-8118]

August 15, 2008

By Fax: 212-805-7927

Honorable Naomi Reice Buchwald
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007



Re: Hewitt v. C.O. Jodein, et. al., CV 4366 (NRB)

Your Honor:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, assigned to the defense of this matter. I write on behalf of the served defendants, Superintendent Annetts, and Correction Officers Reyes, Scott, Correia, Perez and Torres ("served defendants"), to respectfully request a sixty (60) day extension to respond to the Complaint, from on or around August 18, 2008 until October 20, 2008. An extension of time is necessary to afford this office the opportunity to properly investigate the allegations in the complaint, obtain any underlying documentation and evaluate this matter with the defendants prior to responding. Additionally, we are in the process of determining issues of representation pursuant to Public Officers Law, Section 17. Further, given that upon information and belief the remaining defendants have yet to be served with the summons and complaint, this extension will afford the plaintiff the opportunity to serve those defendants.

I did not request the consent of incarcerated plaintiff pro se to extend the time for the

¹By making this request, I am not waiving any possible defenses that the served defendants may have, including the lack of personal jurisdiction.

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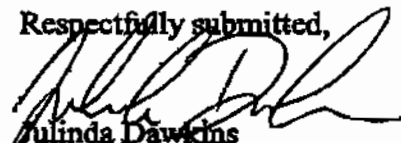
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served defendants to respond to the complaint because I wanted to make this request forthwith. No previous requests for an extension of time to respond to the complaint have been made.

Accordingly, I request that the served defendants' time to respond to the complaint be extended to October 20, 2008.

I thank the Court for its consideration in this matter.

Respectfully submitted,



Linda Dawkins
Assistant Attorney General

cc: Winston Hewitt
Plaintiff Pro Se
DIN #: 93-A-4840
Great Meadow Correctional Facility
P.O. Box 51
Comstock, NY 12821